

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,  
  
Debtors.<sup>1</sup>

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

**FIFTH MONTHLY FEE STATEMENT OF LUGENBUHL, WHEATON,  
PECK, RANKIN & HUBBARD FOR COMPENSATION FOR  
SERVICES AND REIMBURSEMENT OF EXPENSES  
AS SPECIAL LITIGATION COUNSEL TO THE DEBTORS  
FOR THE PERIOD FROM AUGUST 1, 2023 THROUGH AUGUST 16, 2023**

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Pursuant to the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals* [Docket No. 408] (the “Compensation Order”), Lugenbuhl, Wheaton, Peck, Rankin & Hubbard (“Lugenbuhl”), former special litigation counsel for the above-captioned debtors and the debtors in possession (the “Debtors”), submits this monthly statement (“Statement”) of services rendered and expenses incurred in these Chapter 11 Cases for the period from August 1, 2023 through August 16, 2023 (the “Statement Period”), the date Lugenbuhl retroactively withdrew as special litigation counsel to the Debtors [Docket No. 1359]. As specifically authorized by the Court’s order approving withdrawal, Lugenbuhl intends to file interim and/or final requests for payment of compensation and reimbursement of expenses relating to the time period beginning on April 7, 2023 through and including August 16, 2023.

**I. Itemization of Services Rendered by Lugenbuhl:**

A. The following is a list of individuals and their respective titles that provided

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<sup>1</sup> A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at [www.kccellc.net/mountainexpressoil](http://www.kccellc.net/mountainexpressoil). The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

services during the Statement Period. It includes information regarding their respective billing rates and the total number of hours spent by each individual providing services during the Statement Period for which Lugenbuhl seeks compensation.

### **SUMMARY**

<b>Name</b>	<b>Position / Dept.</b>	<b>State of Bar Admission / Year</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Total Compensation</b>
Benjamin W. Kadden	Managing Shareholder	LA 2005 TX 2011	\$650.00	24.00	\$15,600.00
Coleman L. Torrans	Associate	LA 2019	\$425.00	30.10	\$12,792.50
<b>Total:</b>				<b>54.10</b>	<b>\$28,392.50</b>

B. The time records of Lugenbuhl consisting of a daily breakdown of the time spent by each person on each day are attached as **Exhibit A** to this Statement.

## **II. Itemization of Services Rendered and Disbursements Incurred By Category**

The following itemization presents the services rendered by Lugenbuhl by Task Categories and provides a summary of disbursements incurred by category of disbursement.

### **1. Services Rendered**

The following services were rendered in the following Task Categories:

<b>SM/Task</b>	<b>Task Category</b>	<b>Hours</b>	<b>Fees Earned</b>
B110	Case Administration	4.2	\$1,785.00
B120	Asset Analysis and Recovery	20.6	\$10,307.50
B140	Relief from Stay/Adequate Protection Proceedings	3.9	\$2,535.00
B160	Fee/Employment Applications	3.6	\$2,025.00
B185	Assumption/Rejection of Leases/Contracts	2.1	\$1,005.00
B190	Other Contested Matters	15.8	\$8,267.50
B210	Business Operations	0.3	\$195.00
B230	Financing/Cash Collections	2.1	\$1,365.00
B250	Real Estate	1.5	\$907.50
	<b>Total</b>	<b>54.1</b>	<b>\$28,392.50</b>

A detailed itemization of the services rendered in each of the above Task Categories is set forth in **Exhibit A**.

2. **Disbursements Incurred**

No disbursements were incurred by Lugenbuhl for this Statement period.

3. Accordingly, the amount of compensation and expenses payable for this Statement Period is **\$28,392.50**, which is calculated as follows:

Total Fees for Services Rendered During Statement Period	\$28,392.50
Twenty Percent (20%) Holdback	<u>-\$5,678.50</u>
Fees Minus Holdback	\$22,714.00
Costs (100%)	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$22,714.00</b>

**WHEREFORE**, pursuant to the Interim Compensation Order, Lugenbuhl requests payment of compensation in the amount of (i) **\$22,714.00** (80% of \$28,392.50) on account of actual, reasonable and necessary professional services rendered to the Debtors by Lugenbuhl and (ii) reimbursement of actual and necessary costs and expenses in the amount of **\$0.00** incurred on behalf of the Debtors by Lugenbuhl.

*Respectfully submitted,*

Dated: September 26, 2023  
New Orleans, LA

/s/ Benjamin W. Kadden

**LUGENBUHL, WHEATON, PECK, RANKIN & HUBBARD**

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***Former Special Litigation Counsel to the Debtors and Debtors in Possession***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of September, 2023, a true and correct copy of the above and foregoing has been served on all parties that are registered to receive electronic transmission through this Court's CM/ECF filing system in these cases.

*/s/ Benjamin W. Kadden*

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Benjamin W. Kadden